

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PSN ILLINOIS, LLC, )  
an Illinois corporation, ) Case No. 07 C 7190  
)  
Plaintiff, ) Judge Hibbler  
)  
vs. ) Magistrate Judge Valdex  
)  
Abcam, Inc.; Abgent, Inc.; )  
Affinity Bioreagents, Inc.; )  
Discoverx Corporation; )  
Exalpha Biologicals, Inc.; )  
Genetex, Inc.; LifeSpan Biosciences, Inc.; )  
Multispan, Inc.; and )  
Novus Biologicals, Inc. )  
)  
Defendants. )

**CONSENT JUDGMENT ORDER AS TO DEFENDANT DISCOVERX**

This action has come before the Court upon the pleadings and proceedings of record, and it has been represented to the Court that the parties, plaintiff PSN Illinois, LLC ("PSN") and defendant DiscoveRx Corporation ("DiscoveRx"), collectively "the Parties," have agreed to a compromise and settlement of this action and have entered into a Confidential Settlement And License Agreement dated April 10, 2008 ("the Settlement Agreement") wherein DiscoveRx has agreed to the entry of this judgment;

WHEREFORE, with the consent of the Parties, through their undersigned attorneys, and with the approval of this Court, it is hereby finally ORDERED,  
ADJUDGED AND DECREED as follows:

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. PSN owns and has standing to sue for infringement of United

States Patent No. 5,856,443, entitled "Molecular Cloning And Expression of G-Protein Coupled Receptors," issued on Jan. 5, 1999, and United States Patent No. 6,518,414B1, entitled "Molecular Cloning And Expression of G-Protein Coupled Receptors," issued on Feb. 11, 2003 ("PSN's Patents").

3. Each of the claims of PSN's Patents are valid and enforceable.

4. PSN's Patents have been infringed by DiscoveRx through its distribution and offer for sale of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka <sup>H218</sup> ("S1P2") that fall within the scope of claims of PSN's Patents, including at least the following DiscoveRx products: (a) a S1P2-expressing cell line (PathHunter<sup>TM</sup> CHO-K1 EDG5); and (b) services involving the B-arrestin assays and the S1P2-expressing cell line, including a screening platform for monitoring GPCR protein activation following ligand stimulation, which makes use of the S1P2 receptor (the "infringing products").

5. Subject to Paragraph 7(b) of the Settlement Agreement, no payment for or release of the infringing products which may have been used by any third parties is provided, and PSN is free to pursue its damages claim in this action against such third parties.

6. DiscoveRx agrees to and hereby waives and relinquishes the right to ever contest the validity or enforceability of either of PSN Patents and any of their claims in their present form, whether such assertion of invalidity or unenforceability would be made in a court proceeding or Patent Office proceeding, and whether or not such assertion is made with respect to the infringing products in this action or with respect to

any other products that may be made, used, sold and/or offered for sale by DiscoveRx in the future.

7. All claims and defenses of each of the Parties are hereby dismissed with prejudice.

8. The parties shall each bear their own costs and attorney fees incurred in this action, and the Court shall retain jurisdiction to enforce the terms of this Consent Judgment Order and the corresponding Settlement Agreement between the parties concerning this action.

Dated: 6/18 2008

Wm. J. Hibbler  
Honorable William J. Hibbler  
United States District Court Judge

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